



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/041,994	03/13/98	CHEN	J LIMM-026

000959
LAHIVE & COCKFIELD
28 STATE STREET
BOSTON MA 02109

HM12/0110

EXAMINER	
PAK, M	ART UNIT
	PAPER NUMBER

1646

24

DATE MAILED:

01/10/01

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE:

- a) is extended to run _____ or continues to run _____ from the date of the final rejection
b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- Appellant's Brief is due in accordance with 37 CFR 1.192(a).
 Applicant's response to the final rejection, filed 11/7/00 (page NO. 22) has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - They raise new issues that would require further consideration and/or search. (See Note).
 - They raise the issue of new matter. (See Note).
 - They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: (a) The newly amended claim is not identical to a a. 613-72 "as to the issue of new matter because the specific guidance again in a multitude of claim that an 90% identical is not allowed and also the ambiguous nature of the 90% identical language in a condition is not in the specification on pages 5, 9, 14 & 20.
(b) The 90% condition is also which gives further consideration and as of 10/24/03 is not allowed date pending.

2. Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. Upon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows:

Claims allowed: None

Claims objected to: None

Claims rejected: 1, 2, 4, 5, 7-11, 14-18, 42-48

However;

Applicant's response has overcome the following rejection(s): _____

4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because the affidavit 1.132 to rectify the wrong date for the prior art of 613-72, and this is ineffective. The affidavit is not addressed to the application response. Since the amendment is not addressed to the application response.
5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented. Entered the same for the reason has been set forth in previous rejection.
- The proposed drawing correction has has not been approved by the examiner.
- Other) _____

Michael D. Pak
MICHAEL PAK
PRIMARY EXAMINER